



# Local Government in Britain

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# CONTENTS

<b>Introduction</b> .. .. .	1
<b>England and Wales</b> .. .. .	3
Structure and Areas .. .. .	3
Members and Elections .. .. .	6
The Electoral System .. .. .	10
Local Government Services .. .. .	12
Finance .. .. .	16
Internal Organisation of Local Authorities .. .. .	21
External Relations of Local Authorities .. .. .	23
<b>Scotland</b> .. .. .	27
Local Authority Structure .. .. .	27
The Electoral System .. .. .	27
Local Government Services .. .. .	29
Finance .. .. .	29
Internal Organisation of Local Authorities .. .. .	30
Relations with Central Government .. .. .	30
<b>Northern Ireland</b> .. .. .	32
<b>Appendices</b>	
1. Broad Allocation of the Main Local Government Functions in England .. .. .	35
2. List of Organisations .. .. .	36
<b>Reading List</b> .. .. .	38

## INTRODUCTION

LOCAL government in Britain is the responsibility of elected local authorities which are the democratic representatives of their areas and provide local services under specific powers conferred by Parliament.

Government on a local basis has been part of the administrative system of the country for many centuries. The concept of a comprehensive system of councils locally elected to manage various services provided for the benefit of the community was first incorporated in statute law in the late nineteenth century, when local authorities' functions were centred on public health, highways, the police and regulatory duties. The authorities have since also become responsible for education, housing and most of the environmental health and personal social services, traffic administration, planning, fire services, libraries and many minor functions.

During the present century this increasing range of local authority functions eventually gave rise to a need for radical reform of the basic pattern of local government. Local government in Greater London was reorganised in 1965, and in the rest of England and Wales in 1974. A similar reorganisation was completed in Scotland in 1975. Changes in the structure and functions of local government in Northern Ireland were made in 1973.

England and Wales now have two tiers of local authorities everywhere. In England there are variants for 'metropolitan' and 'non-metropolitan' areas. The 'metropolitan' system applies to six conurbations outside London, and resembles the local government system in Greater London. The 'non-metropolitan' system applies elsewhere in England; the system in Wales is similar to the latter. In Scotland, too, there is basically a two-tier structure. Northern Ireland has a single-tier structure of local authorities with fewer functions than those in the rest of Britain.

The expansion of local authority services—and in the numbers of staff employed to provide them—has inevitably led to a steady rise in local government expenditure and in its support from central funds, particularly in the period between the late 1940s and the mid-1970s. In recent years central government has sought to check this growth as part of a general policy of reducing public expenditure, and at local level sections of the electorate have protested at having to meet the considerable annual increases in rates. (At the same time the part played by this form of local taxation in financing local services has been the subject of discussion.) Since taking office, the present Government has emphasised the need to achieve substantial reductions in public expenditure in order to redress the balance between the public and private sectors of the national economy and has asked local authorities to reduce their expenditure in line with reductions being made in its own spending. Local authorities have also been asked to follow the example of central government and to reappraise urgently their staff recruitment and manpower requirements. Although it is left to local authorities to determine their own priorities within and between services, the Government has stressed the importance it attaches to those services which contribute to law and order.

The question of central government controls over local authorities has been the subject of examination and the Government has made proposals to reduce considerably the controls it exercises over the activities of local government. It is also reviewing the statutory duties at present placed on local authorities and on government controls over their capital expenditure.

This pamphlet gives a general account of British local government<sup>1</sup> in three separate sections: England and Wales, Scotland and Northern Ireland. It describes the principal types of local authority and their constitutions, local electoral procedures, local government services and finance, authorities' internal organisation and local government's relationship with central government.

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<sup>1</sup>'Local government' excludes the local offices of central government departments and the local branches of nationalised industries. This pamphlet, however, includes brief mention of the organisation of the national health service and regional water authorities in England and Wales, in which local government representatives play an important part (see pp 15-16).

# ENGLAND AND WALES

## STRUCTURE AND AREAS

In local government the demands of economy achieved by the large-scale must often compete with the desire for small-scale, more easily identifiable and accountable, units. There may also be the conflicting needs of rural and urban areas where one authority is responsible for both. The best size for an administrative area may vary according to the function involved, and the area chosen for a local authority exercising a wide range of functions is necessarily a compromise.

### Metropolitan Areas

Six metropolitan counties (which came into being in 1974) cover the main conurbations outside Greater London: Greater Manchester, Merseyside, South Yorkshire, Tyne and Wear, West Midlands and West Yorkshire. They range in population from 1.2 million (Tyne and Wear) to 2.7 million (West Midlands). Each metropolitan county extends for the most part to the edge of the continuously built-up area of the conurbation. Thus, each of the major conurbations outside London has one local authority to administer strategic functions over virtually the whole area.

The metropolitan counties are divided into districts, of which there are 36 in all. These are compact areas ranging in population (mid-1978 estimates) from 164,000 (South Tyneside) to 1 million (Birmingham). Most of them have populations of over 200,000. These heavily populated districts have the resources to undertake provision of services such as education and personal social services which the majority of districts in the non-metropolitan counties could not undertake, and the consequent differences in the division of functions between county and district is the main constitutional difference between the metropolitan and non-metropolitan areas.

### Non-metropolitan Areas

The 38 counties in non-metropolitan areas on the English mainland range in population from 289,000 (Northumberland) to over 1.45 million (Hampshire). The Isle of Wight (population 114,000) is also a county. Three completely new counties—Avon, Cleveland and Humberside—were created in 1974 where large centres of population had grown up on the borders of two former administrative counties and further growth was in prospect. Some of the smaller former administrative counties were merged to form large new counties: Cumbria (Cumberland, Westmorland and the Furness area of Lancashire); Hereford and Worcester; Cambridgeshire (Huntingdon and Peterborough and Cambridgeshire and Isle of Ely); and Leicestershire (Leicestershire and Rutland). Smaller boundary adjustments were made where there were strong reasons for a change—for example, between Berkshire and Oxfordshire, Buckinghamshire and Berkshire, and Hampshire and Dorset.

Each county is divided into districts, of which there are 296 in all. These districts generally cover areas with populations broadly in the range between

## COUNTIES IN ENGLAND AND WALES<sup>1</sup>



<sup>1</sup> Greater London has its own local government structure.

75,000 and 150,000. Fewer than 20 have populations above 150,000. Just under a third of the districts, mainly in sparsely populated areas, have populations below 75,000.

### **Greater London**

Local government in and around London has always differed from that in other parts of England and Wales. Nowadays the administrative area of Greater London covers about 1,580 square kilometres (610 square miles) with a resident population of just under 7 million. It comprises the areas of 32 London boroughs and the City of London. The populations of the boroughs range from 136,000 to 321,000, the average size being 216,000. The historic City of London covers 2.6 square kilometres (1 square mile) in the heart of the capital, and has a resident population of nearly 8,000, although more than 400,000 people travel into the area to work each weekday. The local authorities in Greater London are the councils of the boroughs, the Corporation of the City of London and the Greater London Council. The borough councils form the basic units of local government; the Greater London Council is responsible only for those services which, by their nature, require unified administration and control over the whole area (see p14). The City Corporation exercises in the City area the normal functions performed by the borough councils elsewhere in the capital, and is also responsible for a number of special activities associated with the history and traditions of the City.

### **Parishes**

There are more than 10,000 parishes in rural areas of England. They have a very long history, and were not generally affected by local government re-organisation, except that the powers of parish councils were extended and 300 small towns (former non-county borough and urban district councils) became 'successor' parish councils, and have the same powers as other parish councils.

### **Wales**

Wales has a basically two-tier system of local authorities the same as in the non-metropolitan areas of England. The country, including the former county of Monmouthshire, is divided into eight counties: Clwyd, Dyfed, Mid Glamorgan, South Glamorgan, West Glamorgan, Gwent, Gwynedd and Powys. They range in population from 106,000 (Powys) to 538,000 (Mid Glamorgan). The counties are divided into 37 districts, with populations ranging from 20,700 (Radnor) to 278,400 (Cardiff). However, whereas in England many areas are not included within any parish, in Wales communities cover the whole of the country. Where they have been set up (see p10) community councils have functions similar to those of the English parish councils.

### **Review of Local Government Areas and Electoral Arrangements**

Two permanent and independent Local Government Boundary Commissions (one for England and one for Wales) have a continuous duty to keep the local authority areas and electoral arrangements under review. The current major



priority tasks of the Commissions are, in England, the review of district and county electoral arrangements and, in Wales, the review of the pattern of communities.

Responsibility for reviewing arrangements for parishes (and communities after the initial review) rests in the first place with the district councils.

The Commissions are advisory in that their recommendations can only be implemented by a ministerial order. Every opportunity is given in the review procedure for the expression of local opinion.

## **MEMBERS AND ELECTIONS**

### **Members**

County and district councils consist of directly elected councillors. Broadly speaking county councils have 60 to 100 members; metropolitan district councils 50 to 80 members; and non-metropolitan district councils 30 to 60 members. The size of the councils is not controlled by legislation, nor is the ratio of electors to councillors, although electoral areas, so far as practicable, give the same ratio of electors to councillors in each electoral division of any one authority. The councillors elect annually one of their number as chairman.

### **Members' Allowances**

Service on a local authority is voluntary and unsalaried. Elected members may, however, claim an allowance of up to £12.14 a day for approved duties, that is, attendance at council or committee meetings or certain other council activities. Parish and community councillors may claim an attendance allowance only in respect of approved duties performed outside the parish or community area.<sup>1</sup>

There are also subsistence and travelling allowances. In addition, a local authority may pay its chairman, mayor, or town mayor an allowance to cover the expenses of his office.

### **Civic Dignities**

District councils may petition for a Royal Charter granting 'borough' status to the district. In boroughs the chairman of the council is known as the 'mayor'. The status of 'city', with or without the right to call the mayor 'lord mayor', may be granted by letters patent.

A total of 166 districts in England and Wales have been granted borough status and a further 50 have city status. The boroughs include a number of predominantly rural areas, with the result that borough status no longer has the strictly urban connotation that it tended to have in the past. All the 47 cities which existed before local government reorganisation in England and Wales have been confirmed in that status, as have all 19 former lord mayors.

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<sup>1</sup>The *Committee of Inquiry into the System of Remuneration of Members of Local Authorities* (the Robinson report—see Reading List, p 38), which reported in December 1977, recommended that the existing attendance allowance system should be replaced by a basic annual payment of £1,000, with an additional entitlement to claim a financial loss allowance. In addition, the Committee recommended extra payments to councillors holding positions of special responsibility.

Parish and community councils may call themselves 'town councils', in which case their chairman is known as the 'town mayor'. A few 'successor' parishes which were cities before reorganisation kept this status, and the chairman is known as the 'city mayor'. One community council in Wales (Bangor) has city status.

The status of borough or city, though, for example, of considerable ceremonial significance, makes no difference to the administrative functions of an area.

Charter trustees have been established for the former boroughs in England which were too large to have parish councils and which were situated in districts without city or borough status. The trustees are the district councillors representing the former borough area, and they elect a town or city mayor, continue civic tradition, and look after the charters, insignia and civic plate of the former borough.

### **Honorary Aldermen**

Councils may give former councillors the title 'honorary alderman'. The title carries no right to sit on the council. (The office of alderman has been abolished other than in the City of London—see p 9.)

### **Election Cycles**

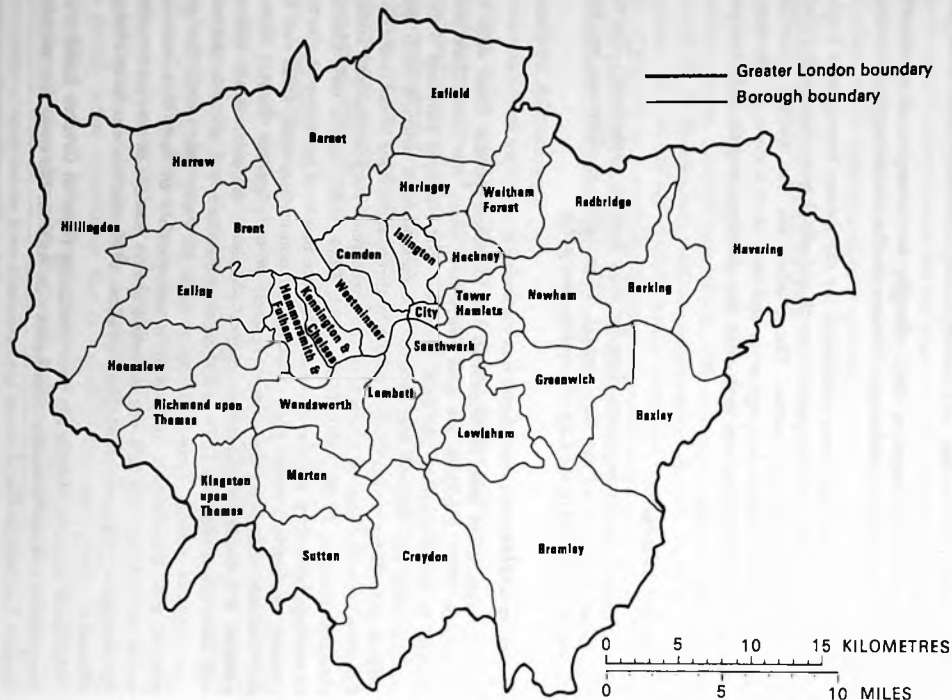
County councils in both metropolitan and non-metropolitan areas were last elected in 1977. Elections are held every four years, the councillors being elected in single-member electoral divisions. For electoral purposes district council areas are divided into 'wards'. In metropolitan districts each ward returns a number of councillors divisible by three, and a third of the councillors for every ward is elected in each of the three years between county council elections (that is, 1979, 1980, 1982, 1983, 1984, 1986, and so on). Electors in metropolitan areas are therefore able to vote in a local government election (county or district) every year. Districts in non-metropolitan areas can opt for elections either on the county council or metropolitan district council pattern. If a council chose whole-council elections, the most recent election will have taken place in 1979 and thereafter elections will occur in the mid-year between county council elections (that is, every four years). For geographic and demographic reasons it is not possible to have three-member wards throughout, and it is not therefore always possible in non-metropolitan districts opting for election by thirds to allow all electors to vote in an election of some sort every year.

All local elections due in any year (including those in Greater London and the parishes and communities—see below) are held on the same day, normally the first Thursday in May.<sup>1</sup>

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<sup>1</sup>In April 1979 legislation was passed to enable district council elections to be held on the same day as the general election—the first Thursday in May—but for parish and community council elections to take place later.

# GREATER LONDON, THE CITY AND THE LONDON BOROUGHS



## **Greater London**

### *The Greater London Council*

The Greater London Council comprises 92 elected councillors. The Chairman of the Council, its civic head, is elected annually by the Council. During the period of office, the Chairman is expected to refrain from party political activities. Duties include presiding at council meetings and acting as host or representing the Council and the people of London on civic occasions. They are shared by a vice-chairman and a deputy chairman, and all three must be members of the Council.

The Leader of the Council, elected by colleagues in the majority political party on the Council, is the Greater London Council's political head. With an important role in the Council's committee work, the Leader also plays a major part in the Council's relations with other bodies, including other local authorities and central government.

Elections to the Council are held every four years, the next election taking place in 1981. The councillors retire together, and are elected for single-member electoral divisions based on parliamentary constituencies.

### *London Borough Councils*

Each London borough is governed by a council which consists of directly elected councillors. The number of members of a council varies between boroughs, but the majority have 60 members. Elections for borough councillors are held every four years. The last election was in 1978 and the next will be in 1982. All the councillors retire together but are eligible for re-election. For election purposes, boroughs are divided into 'wards', each ward electing one, two or three councillors. As in other boroughs, the chairman of the Council is known as the mayor. The leader of the majority political party is often known as 'leader of the Council'.

### *The Corporation of the City of London*

The legal definition of the body generally described as the City Corporation is the 'Mayor and Commonalty and Citizens of the City of London'. Its history, constitution and powers are unlike those of any other local authority in England and Wales. It acts, and has acted for centuries, through three courts—the Court of Common Council, the Court of Aldermen and the Court of Common Hall—over each of which the Lord Mayor presides. Most important of these is the Court of Common Council which is the main administrative and executive body with functions similar to those of the London borough councils. The court comprises the Lord Mayor (who is an alderman), 25 other aldermen and 130 common councilmen. Both aldermen and councilmen are elected by the same 13,500 voters of the City whose right to vote is based on residential qualifications or occupation of business premises. One of the main functions of the Court of Aldermen—comprising the 26 elected aldermen—is each year to elect a new Lord Mayor from the two candidates nominated by the third court, the Court of Common Hall. The latter court comprises the Lord Mayor,

aldermen and sheriffs of the City and the freemen and liverymen of the ancient City companies (survivors of the medieval merchant guilds or associations of craftsmen). Like the Court of Aldermen, besides its role in electing the Lord Mayor, it has certain other traditional functions to perform.

The Lord Mayor of London must be a freeman of the City, a liveryman and an alderman at the time of his election; he holds office for one year. During his term of office he is, *ex officio*, a member of the Privy Council; he summons and presides over the several courts and meetings of the Corporation; he is the chief magistrate of the City, one of the custodians of the City seal, and, by tradition, holds several ancient offices; for instance, he is the head of the City lieutenancy, Admiral of the Port of London and a trustee of the fabric of St Paul's Cathedral. He also attends every civic and ceremonial function in the City and is regarded as the dispenser of the hospitality which frequently devolves upon the Corporation. The Lord Mayor receives a substantial annual allowance from City funds, but this covers only a small part of the expenses in which he is involved.

### **Parishes**

All parishes have parish meetings, comprising the electors of the parish. Parishes with 200 or more electors must generally have parish councils, and about three-quarters in fact do so. A parish council comprises at least five members, the number being fixed by the appropriate district council. Parish councils are elected in 'block' elections every four years, in the year in which the local district councillor is elected. However, in non-metropolitan districts where the council is elected by thirds, the year of election of a parish in a ward with fewer than three district councillors must be adjusted to the year of election of the local district councillor.

### **Wales**

The arrangements for the members of Welsh counties and districts are generally similar to those for English counties and districts in non-metropolitan areas. The electoral cycle of the counties is similar to that of the English counties, and that of the districts to that of English non-metropolitan districts.

About four-fifths of the communities are represented by community councils. No minimum number of councillors is prescribed. Community councillors in Wales are elected on the same basis as parish councillors in England—at the same time as the local district councillor is elected and for a term of four years. Elections were held in 1979, and will take place next in 1983, 1987 and so on.

## **THE ELECTORAL SYSTEM**

There is little variation between one kind of local authority and another in the system of election of councillors, and virtually the same principles apply whatever the type of authority and the size of the area. The whole system is comparatively modern (except in the case of the City of London which has its own traditional rules), and operates according to the provisions of the Representation of the People Acts 1949 and 1969.

## **Electors**

The people entitled to vote as electors at a local government election are those who are resident in the area of the local authority on the qualifying date; are British subjects or citizens of the Irish Republic aged 18 or over on the day of election; are not subject to any legal incapacity (such as a conviction for corrupt or illegal practice at an election, or detention in a penal institution); and whose names are included in the register of electors to be used at the election. The register (which is also used for parliamentary elections) is prepared annually—the qualifying date is 10 October—and published by the electoral registration officer (an officer of the local authority) not later than 15 February following. It comes into force for 12 months on 16 February.

## **Candidates**

Candidates for election as councillors must have British (or Irish Republic) nationality, and be aged not less than 21. They must also either (1) be registered as local government electors in the register of electors for the area for which they seek election, or (2) have resided or occupied premises within that area during the whole of the 12 months preceding the election (or within three miles in the case of parish or community councils), or for that 12 months have had their principal or only place of work there. Generally speaking, no-one can be elected or serve as a member of a local authority of which he or she is an employee (this disqualification includes, for instance, school teachers); and there are also a number of statutory disqualifications designed to ensure that unsuitable people—such as undischarged bankrupts, people convicted of illegal or corrupt election practices, and people who, within five years before the election date, have been sentenced to more than three months' imprisonment—do not offer themselves for election. A person's eligibility to sit as a councillor can be challenged in the courts by an election petition, but a council has no power to expel one of its members.

Candidates stand as representatives of one of the national political parties, as members of associations representing some local interest, or as independents. Each candidate must be nominated by two electors as proposer and seconder and, except in elections for parish or community councils, eight other electors for the area must assent to the nomination. If the number of candidates in each electoral area is greater than the number of vacancies the councillors will be selected by means of a poll.

A candidate at a local government election does not pay a deposit. Expenditure on the conduct and management of the election is normally limited to £75 with an additional 1·5p for every entry on the electoral register. (For elections to the Greater London Council the maximum is £320 plus 2p for each elector.) A return of all election expenses has to be made to the authority for which the election has been held within 35 days of the date on which the result has been declared.

## **Voting**

Voting takes place by secret ballot at polling stations arranged by the returning

officer concerned,<sup>1</sup> under the supervision of a presiding officer appointed for the purpose. Electors normally vote in person, although members of the armed forces and others employed by the British Government overseas (and their spouses if with them) may vote by proxy. Voting by post (except in parish or community council elections), or in certain cases by proxy, may also be allowed if the voter cannot attend in person for such reasons as illness or the nature of his or her work. Each elector has one vote for each seat contested in the electoral area; the elector need not record all his or her votes, but must not give more than one vote for any candidate.

## LOCAL GOVERNMENT SERVICES

Local authorities carry out functions under powers conferred on them by Acts of Parliament. Some powers are framed as duties mandatory on an authority and requiring it to provide services; others are purely permissive, enabling an authority to provide services. The major powers are contained in public general Acts promoted usually by central government. Local authorities may, however, themselves promote local or private Bills to give themselves powers. Although they have a general power to spend annually up to a 2p rate (see p 17) on purposes for the benefit of their areas and inhabitants, their expenditure is otherwise limited to the exercise of functions conveyed by Parliament, and action incidental to the exercise of those functions.

### Allocation of Responsibilities

The principles on which responsibilities have been allocated to county or district councils are as follows. Functions which need to be planned over a substantial area are allocated to the county council in both metropolitan and non-metropolitan areas. Examples are strategic planning, including the statutory structure plan, highways and traffic, fire, police, consumer protection and (except in Wales) refuse disposal.

Functions which, while not necessarily needing a large area, need a large 'case-load' to permit the economical employment of a range of specialised professional staff or the economical provision of a range of specialised installations are allocated to district councils in metropolitan areas and to county councils elsewhere. Examples are education, personal social services, and libraries. The distinction is made in this way because in the metropolitan counties every district has a large population and substantial resources, unlike most districts elsewhere.

Functions which are essentially local are allocated to the districts everywhere. Examples are most local plans and most development control, housing, refuse collection, environmental health, and cemeteries and crematoria.

Services which it may be appropriate to provide on either a very local or wider basis are allocated to both levels everywhere. Examples are museums,

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<sup>1</sup>In the case of county and district council elections the returning officer is an official of the local authority concerned; for parish and community elections he is an official of the appropriate district council; for Greater London Council or London borough elections he is an official of the appropriate London borough.

art galleries, and provision for physical recreation. The reason for this allocation is that the more local provision can be made by the district, while provision for a wider area can be made by the county. It is for the authorities concerned to agree on the allocation of provision between themselves.

The arrangement of local government responsibilities has been the subject of some discussion. In February 1979 the then Government published a White Paper *Organic Change in Local Government* (see Reading List, p 38) setting out proposals for transferring certain functions in some areas from county to district councils. The Government elected in May 1979 stated that it would consider changes in the present distribution of responsibilities where this was desirable in the interests of efficiency and economy and in July announced its intention of introducing legislation to give district councils in England more responsibility for planning and development control. The respective roles of counties and districts will be clarified in order to provide a more efficient and quicker service in planning matters. Similar proposals for Wales are also being considered.

### **Functions**

Town and country planning functions are divided between county and district councils. The county councils are concerned with the strategic aspects of planning: structure plans, development plan schemes governing the preparation of local plans, and certain types of proposals for development. District councils deal with most local plans and decide most applications for planning permission and other matters concerned with development control. Two planning boards (separate corporate bodies including local authority representatives) administer planning functions in two of the English national parks. Certain functions in each of the other eight national parks are administered by a special committee of the county council mainly concerned, on which are represented the other county and district councils for the area of the national park.

Traffic, transport and highway functions are the responsibility of the county councils, in both metropolitan and non-metropolitan areas, except that the Minister of Transport or the Secretary of State for Wales deals with trunk roads. District councils may, however, play a part in the maintenance of minor urban roads and the provision of certain car parks. A passenger transport executive has been set up under the aegis of each metropolitan county council to run conurbation bus services. Some of the district councils for large towns in non-metropolitan areas also run bus services.

In the education field, local authorities provide primary and secondary schooling, special schools for mentally and physically handicapped children, and further and higher (but not university) education. The local education authorities are the district councils in metropolitan areas and the county councils in non-metropolitan areas. These authorities also run public libraries.

The same councils are also the social services authorities. The personal social services include services such as day centres, social clubs, meals services, training centres, workshops and accommodation, and home helps, for the elderly and the physically and mentally handicapped as well as day-care facilities



for children under five. These authorities also care for children deprived of a normal home life and children in trouble.

District councils in both metropolitan and non-metropolitan areas are responsible for housing. They clear slum dwellings; build new houses and manage them; supervise and help with the improvement of older housing; and generally tackle the maintenance and improvement of housing conditions. County councils have limited reserve powers which they can use if requested to do so by a district council.

The provision of fire and police services is a county council function. The police authorities are special committees of county councils except in counties which are covered by combined police authorities. In all cases the police authority includes magistrates as well as councillors.

Consumer protection functions are also county council responsibilities. They need to be administered by authorities with the resources to deal with large industrial and commercial establishments and to improve uniform standards over wide areas.

Refuse collection and refuse disposal in England have been separated on the grounds that domestic refuse collection is a very local matter, while the difficulty of finding suitable sites for tipping, the move by stages away from tipping even for disposal of household refuse, and the expansion of local responsibility into the control of disposal of a wide range of industrial wastes lead to the need for this aspect to be in the hands of the strategic authority.

Most of the remaining local government functions are concurrently exercised by both levels of local authorities (notably the provision of parks, playing fields, swimming pools and other recreational facilities, and museums) or they are district council functions. District councils collect the rates for all local authorities. This responsibility is a matter of convenience: county and parish or community councils simply 'precept' on the district councils which are required to add precepts to their own financial requirement to form a total rate demand.

### **Greater London**

With certain important exceptions, the responsibilities of the Greater London Council are similar to those of metropolitan county councils, and those of the London borough councils are similar to those of metropolitan district councils.

The Greater London Council is the highway authority for all principal roads in London other than trunk roads, while the London boroughs are highway authorities for non-principal roads. The London borough councils have more responsibilities in connection with car parking than the metropolitan district councils.

In inner London (the old London County Council area) education is the responsibility of the Inner London Education Authority, which is a special autonomous committee of the Greater London Council on which each inner London borough is also represented. In outer London education is a London borough function.

The London boroughs have primary responsibility for housing. The Greater London Council, which has maintained a substantial stock of housing, proposes

to relinquish its role as a primary housing authority (by transferring its existing housing stock to the London boroughs and surrounding districts and by offering tenants the chance to buy their own homes) and to concentrate on its role as a strategic housing authority, focusing attention on areas of particular need.

Consumer protection functions are the responsibility of the London borough councils and not of the Greater London Council.

The Metropolitan Police Force is responsible directly to the Home Secretary. It covers all Greater London (with the exception of the City area, which has its own force) and certain areas immediately adjacent.

## **Parishes**

Parish councils' many functions include allotments; arts and crafts; community halls; recreational facilities (such as open spaces and swimming pools); footway lighting; the encouragement of tourism; cemeteries and crematoria; bus shelters; footpaths; and car parks (with the consent of the county council). They must be given an opportunity to comment on planning applications for their areas. They may, like county and district councils, spend up to a 2p rate (see p 17) for the general benefit of their areas, and they 'precept' on the district councils for their rate funds. Parish council functions are generally exercisable concurrently by the district councils, except for allotments.

## **Wales**

The allocation of functions to Welsh counties and districts is generally the same as to counties and districts in the non-metropolitan areas of England. Welsh district councils, however, deal with refuse disposal as well as refuse collection, and they have wider scope to provide car parks. Four district councils have temporarily been designated as library authorities; the question of the long-term responsibility for libraries is under review. Welsh district councils have powers in relation to allotments concurrently with community councils, whereas in England parish authorities deal with allotments. Community councils have broadly the same range of powers as English parish councils.

## **Health Services<sup>1</sup>**

Health services are administered by health authorities which function separately from the local government structure. A reorganisation of the administration of these services took place in 1974 to unify the various forms of health provision, to improve co-ordination between the health services and local authorities, and to streamline the management of health services.

The organisation comprises in England area health authorities and regional health authorities accountable to the Secretary of State for Social Services. In Wales there is no regional authority, and area authorities are directly responsible to the Secretary of State for Wales. The area authorities extend over local social service authorities' areas (non-metropolitan counties and metropolitan districts) except that in London some area authorities cover more than one borough. Several members of each area health authority are appointed by local

<sup>1</sup>For further details see COI reference pamphlet *Health Services in Britain*, R5154/77.

authorities. The regional health authorities are responsible for strategic planning and allocation of resources. The area authorities operate most services, and there are statutory arrangements for close collaboration with local authorities, particularly on the school health service, personal social services and the environmental health services.

A Royal Commission set up to consider the best use and management of the financial and manpower resources of the National Health Service recommended in its report published in July 1979 the simplification of the administrative structure of the service and emphasised the importance of effective collaboration between health and local authority services. The Government has announced its intention to simplify the structure of the service in England and to devolve management authority to the lowest effective level.

### **Water and Associated Services<sup>1</sup>**

Water and sewerage functions were transferred in 1974 to nine regional water authorities and the Welsh Water Authority. The majority of members of each authority are appointed by local authorities, and the remainder by the Secretary of State for the Environment (or the Secretary of State for Wales) and the Minister of Agriculture, Fisheries and Food. The authorities are responsible for water supply and conservation, river pollution control and river management, sewage disposal, fisheries and land drainage and the development of the recreation and amenity uses of their waterways. District councils generally act as water authorities' agents for sewerage functions. Services provided by the water authorities are financed by charges directly on consumers with the exceptions of some grants for new rural sewerage and water supplies, and for land drainage. The responsibility for national water policy lies with the Secretaries of State for the Environment and Wales and the Minister of Agriculture, Fisheries and Food, who are advised by a National Water Council comprising the chairmen of the water authorities and other appointed members. The National Water Council also has a central advisory, research, co-ordinating and representative role for the industry.

### **FINANCE**

Total expenditure by local authorities in England and Wales exceeds £22,000 million a year (1977-78). A clear distinction is made between capital and current expenditure. Capital expenditure (about one-fifth of the total) is normally financed by borrowing (see p 19); housing, the major element, represents about half of the total. Current expenditure is financed from three main sources: government grants (around half); local 'rates' paid by occupiers of land and buildings (about a quarter); and other income, including rents from houses and flats owned by the authorities (about a quarter). The education services represent about two-fifths of this gross expenditure, followed by the personal social services, the police, roads and public lighting, and recreation, parks and swimming baths. Staff costs account for about 70 per cent of current expenditure. Each local authority is responsible for its

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<sup>1</sup>See CCI fact sheet *Water Supply*, FSI/17.

own finance, although in a few cases several authorities combine their resources to organise a specialised service which it would be uneconomic for each authority to provide on its own.

### **Government Grants**

The most important of government grants to local authorities are the 'rate support grants' which are payable in aid of revenues generally. Grants are also paid towards the cost of specific services—either towards current expenditure, such as on the police, or towards capital expenditure, such as on the acquisition and clearance of derelict land. In the transport field a single supplementary grant has replaced most specific grants. Annual subsidies are payable for local authority housing. In 1979–80 the estimated rate support grants in England and Wales amount to £7,258 million, while grants for specific services (including the Transport Supplementary Grant) represent some £1,349 million.

Rate support grants are distributed among authorities in three parts—the 'needs' element, which is designed to give most help to those authorities whose spending needs are greatest; the 'resources' element, which is used to supplement the rate income of authorities whose rateable value per head of population falls below a standard figure, prescribed for each year; and the 'domestic' element, which compensates authorities for loss of rate income from the reduction in rate poundage (see below) which they are required to give to householders. The formula for distributing the 'needs' element, based on regression analysis, is subject to variation from year to year. The Government is considering proposals for a new system of grants to local authorities.

### **Rates**

Rates are a local tax paid by the occupiers of non-agricultural land and buildings in a local authority area as contributions to the cost of local services. The amount paid by each occupier depends upon the rateable value of his property (related to its annual rental value) and upon the rate poundage fixed by the rating authority. The rate poundage, which is the number of pence in the pound which occupiers have to pay on the rateable value of their property, is calculated by dividing the total sum to be raised by the estimated yield of a penny rate in the area of the rating authority. Thus, if expenditure to be met from the rates were to be £500,000 and the yield of a penny rate were £10,000, the rate poundage would be 50p.

Responsibility for levying and collecting the rates lies with the councils of the district authorities and, in London, the London borough councils and the Corporation of the City of London. The expenditure of county, community or parish councils and the Greater London Council is met by 'precepts' on the district councils and London borough and City councils respectively, who include them in the rates they levy.

Agricultural land and buildings (excepting living accommodation) and places of religious worship are exempted from rate payments. Householders pay rates at a lower level than the owners of commercial and industrial property as a result of reductions in their rate poundage (18·5p in England

and 36p in Wales for 1979-80) which the Government finances; they have the right to pay rates in ten instalments a year. Charities pay half the full rate on property they occupy but may be given further reliefs by the rating authorities which are empowered to reduce or remit the rates for a wide range of non-profit-making bodies.

Local authorities may levy up to 100 per cent rates on empty properties and about half do so. A penal surcharge above the normal rates is imposed on commercial property not used for the purpose for which it was constructed, or adapted for six months or longer, if the owner has not tried his best to let it. The surcharge is 100 per cent of the full rates in the first year of non-use and an additional 100 per cent for each subsequent year.

Depending on their personal circumstances, householders may be entitled to a refund on all or part of their rates in the form of 'rate rebates' granted by local authorities. Under the present rate rebate scheme, introduced in 1974, over 2.7 million people received rate rebates in 1977-78; it is estimated that a further 1.2 million householders were eligible but did not claim. The total value of rebates granted in 1977-78 was £140.5 million, of which 90 per cent was met by government grants.

Rateable values are determined periodically by valuation officers of the Board of Inland Revenue, who are independent of the local authorities. A valuation officer (who may deal with several rating areas) is responsible for preparing valuation lists for each rating area; and for making proposals (a) to insert new properties in the list and (b) to change entries if he thinks the original value is wrong or if the property has been altered. New valuation lists came in force in April 1973 and assessments of all classes of property are based on 1972-73 rental values.

Proposals for an alteration in assessment in the valuation list may be made by any ratepayer and, if the matter cannot be settled by agreement between the valuation officer and the individual or body concerned, it is referred to a local valuation court, consisting of three members of a local valuation panel. These panels are constituted by county councils (sometimes acting jointly) under schemes made by them and approved by the Secretary of State for the Environment in England and by the Secretary of State for Wales in Wales. They are independent bodies whose members are not appointed to represent any local body or interest, but are chosen for their capacity to carry out the work; they give their services voluntarily, but their expenses are borne by the Exchequer. Appeals against the decisions of the local valuation courts are heard by the Lands Tribunal, an expert body appointed by the Lord Chancellor.

The Government has cancelled work on a rating revaluation that would have come into force in 1982. The cancellation will lead to manpower economies in the valuation office work of the Inland Revenue, and will provide an opportunity for the Government to examine the longer-term future of the rating system.<sup>1</sup>

<sup>1</sup>The system of local government finance in England and Wales and in Scotland was the subject of the Layfield Committee report published in 1976 and of a reply by the then Government published in 1977. Both documents are included in the Reading List on page 38.

## Loans

Loans may be raised by local authorities for financing such capital expenditure as the acquisition of land, the erection of buildings, and other permanent work, either under general powers or under powers conferred by local Acts of Parliament.

The capital expenditure of local authorities is divided into 'key' and 'locally determined' sectors. The key sector includes such services as education, housing and principal roads, over which some central control is exercised and for which local authorities may borrow only in respect of specific approvals granted by the appropriate government departments. For the locally determined sector, which includes such miscellaneous services as libraries, parks, swimming baths and council offices, a block loan sanction is allocated annually to each local authority which is then free to decide which projects to undertake and what sums to borrow within the overall permitted amount. The Greater London Council promotes an annual Bill to get parliamentary approval for its proposed capital expenditure.

Local authorities may raise long-term loans by means of private mortgages, by issuing stock on the Stock Exchange, and by bonds which may or may not be quoted on the Stock Exchange. Although these bonds may be for any period, authorities normally issue them for one year. Authorities also have right of access to the Public Works Loan Board, financed by the Exchequer, for long-term borrowing to finance a proportion of their reckonable capital payments, and may borrow temporarily for a limited proportion of their current outstanding loan debt.

Loans may be repaid in instalments (yearly or half-yearly) over the period of the loan, or in a lump sum at the end of the period, with interest only being paid yearly or half-yearly.

The rates of interest on loans from the Public Works Loan Board are fixed from time to time by the Treasury. For loans within the authorities' permitted quota, interest is normally based on the rate at which the Government itself can borrow. The rate for other loans from the Board is based on current market rates for local authority borrowing.

## Financial Control

Control of finance is usually exercised internally on behalf of the council by a specially appointed finance committee whose function it is to watch the activities of the spending committees from the standpoint of the council's financial policy. Although such a committee is not compulsory, each authority must make proper arrangements for the management of its financial affairs.

As a rule, control is exercised by the finance (or other appropriate) committee's examination of, and, if necessary, amendment to, draft estimates drawn up annually by the executive departments in informal consultations with the finance department, and presented through the appropriate committees. In this way, the various claims and proposals can be balanced and adjusted before the final estimate is presented to the council as a whole. It is left to the

council to accept or reject the estimate or to eliminate any figure that it may contain.

## **Audit**

All local authorities carry out an audit of their accounts, but in addition the Local Government Act 1972 requires that the accounts of every authority and of every committee of an authority and joint committee of two or more authorities be audited, either by a 'district' auditor or by an approved auditor. District auditors are civil servants appointed by the Secretary of State for the Environment. Approved auditors are professionally qualified and approved by the Secretary of State. The choice between the two types of auditor rests with each authority. The work of the auditors is co-ordinated by a Chief Inspector of Audit who, together with his deputy, is on the staff of the Department of the Environment.

The accounts must be made available for public inspection, and electors may question the auditor about the accounts or object to the district auditor about any item in them; they can appeal to the courts against the decision on an objection.

Both kinds of auditor must satisfy themselves that a local authority's accounts are lawful and have been properly prepared, and must include any criticisms in their reports to the authority and to the Secretary of State. So that members of the public should be aware both of the auditor's report and of the council's consideration of it, the law requires both the auditor's report and the agenda of the meeting to consider it to be made available to the press if required. After an audit is completed, a copy of the authority's accounts and the auditor's report must be open to public inspection.

If a district auditor considers any item of expenditure in an authority's accounts is illegal, he can apply to a court of law for a declaration to that effect. If the declaration is granted, the court may also impose a surcharge on anyone responsible for illegal payments, except where it finds that an action was reasonable or carried out in the belief that the spending was lawful. A councillor surcharged more than £2,000 can be disqualified from membership of a local authority for five years. If the auditor's work reveals a fraudulent transaction, he can order the person responsible to repay the money involved (there is an appeal to a court against such an order). An 'approved' auditor does not have these powers; if he considers that he has reasonable grounds for believing that an item in an authority's accounts is contrary to law, or that there has been a failure to account for a sum or that a loss has been caused by misconduct, he must report the matter at once to the Secretary of State who may then consider whether an 'extraordinary audit' should be held.

The Secretary of State can decide at any time that an extraordinary audit of an authority's accounts should be held. His decision may be made at his own instance or may follow an application by a local government elector or the authority concerned. This type of audit is always held by a district auditor (whether he or an approved auditor normally audits the accounts), and he has

full powers, for example, to certify and recover a loss and apply to a court for a declaration that certain expenditure is illegal.

In addition to the procedures for the audit of accounts, each local authority must supply annual financial returns to the Secretary of State for the Environment. These cover income and expenditure and details of rating matters, and provide an additional safeguard against improper financial activities and a source of national statistics on local government finance.

The Advisory Committee on Local Government Audit was established in March 1979 following the recommendation of the Layfield Committee on Local Government Finance that there should be an independent body to consider local government matters generally, including 'value for money' matters.

## INTERNAL ORGANISATION OF LOCAL AUTHORITIES

Local authorities are free to a great extent to make their own internal arrangements and to choose the means and methods by which they discharge their responsibilities. The normal practice is that questions of major policy and principle are settled by the full council, while the detailed administration of the various services is the responsibility of committees of members.

### Committees

The committee system is used by all types of local authority, for it enables councillors to play a full part in the work of the local authority. Few councillors are able to devote all their attention to council work; usually they are men or women with their living to earn or a family to look after, and only a limited amount of time to place at the disposal of the public service. Committees enable them to specialise in one or more of the many varied aspects of a local authority's work.

Councils may co-opt 'persons of experience' (and, in some cases, specialised knowledge) as members of the various committees (except finance committees) but at least two-thirds of the members of each committee must be members of the council concerned.

### Organisation and Management

Changes in organisation and management had been spreading through local government as part of the general climate of change which led to reorganisation, but the reorganisation in 1974 gave a great impetus to these changes by creating new authorities which had to think afresh what organisation they should adopt, and by repealing a number of restrictions on the way in which authorities could operate.

The new ideas which had been growing were crystallised and developed by a study group<sup>1</sup> set up jointly by the local authority associations and central government, and provided the basis for the management structures set up by the reorganised authorities.

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<sup>1</sup> *The New Local Authorities: Management and Structure* (the Bains report—see Reading List, p 38).



The main emphasis in the study group's report was on 'corporate management' and on clarifying the interlocking roles of the elected member and the paid officer. 'Corporate management' implies in this context a structure which helps members and chief officers to consider the operations of the authority as a whole, rather than taking each service separately in a watertight departmental structure. Since reorganisation restrictions on local government spending and the consequent need to make the most economic use of manpower resources have made it necessary to set priorities for the services provided—a function the corporate management systems are structured to fulfil.

A typical organisation comprises a strong policy and resources committee of members, and a management team comprising the main chief officers. The senior of the chief officers is frequently the chief executive without any departmental responsibility, with the duty of unifying and co-ordinating the administration as a whole.

The traditional theory of the functions of members and officers allocated policy making to members and execution of it to officers (although in practice members often concentrated much of their time on matters of quite fine detail). The study group's report presented a more sophisticated model which can be roughly summarised as saying that members and officers should develop their thinking together with officers providing information and professional skills, and members making the ultimate decisions in the light of the advice. Execution is primarily for officers, although the operation of services, and particularly their effect on the public, are matters of vital interest to the members, both in themselves and as experience for further development of policy.

'Corporate management' has developed as a management technique, but it also has a wider significance in encouraging members and senior officers to take a broad view of the problems of the area, which should strengthen their general role as the representatives of local democracy rather than mere purveyors of individual services.

## **Staff**

Over 2 million people—including administrative, professional, technical and clerical staff, manual workers such as refuse collectors, and other disparate groups such as teachers and transport staff—are employed by local authorities. A few appointments—for instance, the chief education and fire officers, and the director of social services—must by law be made by all the authorities responsible for the functions concerned. Apart from these, councils are normally free to employ whatever staff they consider necessary and to choose their personnel. It is against the law, however, for an authority to employ one of its own councillors: this rule is designed to avoid the conflicts of interest which could arise in such a situation.

### *Method of Appointment*

As a rule, senior staff appointments are made at the instance of the committee or committees particularly concerned. Posts may be filled either by the promotion

or transfer of existing staff, or after public advertisement in the newspapers or specialist journals. It is a common practice to appoint a group of committee members to interview candidates and to make a selection which may later have to be confirmed by the council as a whole. Other appointments are normally made by heads of departments in accordance with an establishment laid down by the council.

### *Conditions of Employment*

Rates of pay and conditions of service for local authority staff are within the jurisdiction of the employing council. Pay and conditions are in general governed by recommendations of national joint councils consisting of representatives of the employers' side appointed by the local authority associations (see p 25) and representatives of the employees' side appointed by the trade unions and other officers' associations. The two largest of the councils are: the National Joint Council for Local Authorities' Administrative, Professional, Technical and Clerical Services; and the National Joint Council for Local Authorities' Services (Manual Workers). For the great majority of local government officers the first of these councils is also concerned with such matters as the maintenance of agreed standards of entry to the service and the recognition of appropriate qualifying examinations for promotion. Local authorities have a national statutory contributory pension scheme which is compulsory for all employees except certain part-time employees and certain other categories who can opt out of the scheme. In parish councils (community councils in Wales), pay and conditions are solely a matter of agreement between council and employee, although some guidance is given by the National Association of Local Councils.

### *Ethical Code*

All local government officers, of whatever standing, are expected to regulate their behaviour according to a code of ethics drawn up by the National Joint Council for Local Authorities' Administrative, Professional, Technical and Clerical Services. The code lays particular stress on the fact that the conduct of a local government officer must be of such a standard as to ensure public confidence in his integrity, and states that 'he should not subordinate his duty to his private interests, or put himself in a position where his duty and his private interests conflict'. Any additional employment undertaken by an officer must not conflict with the authority's interests or in any way weaken public confidence in the conduct of its business.

## **EXTERNAL RELATIONS OF LOCAL AUTHORITIES**

### **Relations with other Local Authorities**

Each of the two tiers of local government has its own functions and is independent of the other. Those functions are themselves, however, inevitably related, and county and district councils need to work together on related matters.

### *Joint Arrangements*

Local authorities have powers to make joint arrangements with one another in carrying out their functions. They may establish joint committees, supply goods and services between one authority and another, or place their staff at the disposal of another authority. Sometimes joint boards, more formal bodies with a separate corporate existence, may be established to administer services over the area of more than one local authority area; examples are port health authorities, and combined police authorities.

### *Agency Arrangements*

A local authority may also make agency arrangements for another authority to exercise on its behalf any of its statutory functions, other than education, the personal social services, police and national parks responsibilities. Agency arrangements may operate in either direction between county councils and district councils, or between one county council and another or one district council and another.

An authority which makes agency arrangements for the whole or part of one or more of its functions remains ultimately responsible for the provision of an adequate service by its agent. In particular, it retains responsibility for financing it—only the principal authority may borrow money or raise a rate in respect of a service for which it is responsible.

The use of agency arrangements varies according to circumstances. For some services it might be appropriate for the county council to use the district councils in its area as its agents because the latter authorities may have the appropriate local knowledge, because the services in question can be economically administered in conjunction with other functions exercised by the districts or because the district council has already a large works organisation. In the reverse direction the district councils in a county may find it convenient and economical to use the county council as their agent for specialised aspects of particular functions. Agency arrangements are particularly common in relation to highways.

### **Relations between Central and Local Government**

Parliament controls the functions exercised by local authorities through the statutory powers which it confers on them, either in public general Acts or by local legislation promoted by the local authorities themselves. Central government departments may influence the way in which local authorities carry out their functions under the legislation, by their contribution to the preparation of the legislation and orders under it, and by administrative means after it has been enacted. The departments mainly concerned with local government are, in England, the Department of the Environment and, in Wales, the Welsh Office, though other departments are concerned with one or more local government functions, including major ones such as education (the Department of Education and Science), the personal social services (the Department of Health and Social Security), transport (the Department of Transport) and police and fire services (the Home Office).

Central government influences programmes partly by advice and partly by financial means—through the payment of specific grant or subsidy, by the approval of programmes under certain legislation and by capital investment controls.

Central departments may consider submissions by local authorities where a ministerial consent is required—for example, for certain development plans and by-laws requiring confirmation. In the case of police forces and fire services there is provision for inspection. More often, however, the department concerned may simply issue a circular advising and assisting local authorities with their functions.

The relationship between central and local government is affected by factors concerning both sides: the self-confidence of local authorities and the balance in central government between a genuine desire to allow local authorities more freedom and a desire to pursue national programmes and policies (for which the public tend to hold the minister responsible) with which individual local authorities may be in greater or lesser disagreement. As a result the relationship is not static: it varies in practice from service to service, from time to time, and from authority to authority.

The reorganisation of local government, by establishing fewer and larger local authorities able to carry out more responsibilities unaided, has also affected this relationship, in that it has reduced the need for central government assistance and control.

Steps have recently been taken by the Government to reduce the number of circulars issued to local authorities and to remove a number of the bureaucratic controls exercised over the functions of local government.<sup>1</sup>

### **Local Authority Associations**

County and district authorities are represented by the Association of County Councils, the Association of District Councils, and the Association of Metropolitan Authorities. In addition, in Wales, the districts are represented by the Council for the Principality and the counties by the Welsh Counties Committee. Membership of the Association of Metropolitan Authorities is open to metropolitan county and district councils and to the London authorities. The London borough councils and the Corporation of the City of London are members also of the London Boroughs Association which in particular represents the interests of those authorities in matters especially affecting London. The National Association of Local Councils represents parish authorities in England and community councils in Wales.

### **Relations with the Public**

An increasing emphasis has been placed on keeping the public informed about local government activities and, where possible, involving the public in decision-making. The reorganisation of local government into larger and

<sup>1</sup> *Central Government Controls over Local Authorities* (see Reading List, p 38), a White Paper published in September 1979, contains proposals to reduce substantially controls by central government over the activities of local authorities in England and Wales.

potentially more remote units served to underline the importance of keeping in touch with the public.

#### *Admission to Meetings*

Local authorities have a duty to admit the public and press to council meetings. This extends to all committees and joint committees of local authorities, but a council can resolve to exclude the public from all or part of a meeting (most commonly to protect the privacy of individuals whose affairs are under discussion).

#### *Public Involvement*

Councils have a duty to inform and to seek the views of the public when drawing up strategic plans, and it is now common for councils to seek the public's views on many other specific areas of local authority services as well. Some councils hold regular local forums, in which any member of the public may participate, while elsewhere non-statutory neighbourhood councils have been set up to express local opinion, particularly in urban areas where parish councils do not exist.

#### *Complaints Machinery*

A complaints system for local government in England and Wales is provided for under the Local Government Act 1974. The system involves independent statutory Commissions for Local Administration (one for England and one for Wales), comprising a number of Local Commissioners, each responsible in a particular area of the country for investigating citizens' complaints of maladministration by county or district councils, London authorities or the regional water authorities (not parish or community councils). The Local Commissioners are restricted to investigating maladministration, and are not concerned with the merits of decisions within an authority's discretion. Some of the activities of local government are excluded from the arrangements, notably contractual and personnel matters.

Complaints are channelled through local councillors, but provision is made for direct access to Local Commissioners if a councillor fails to forward a complaint. The Local Commissioners report on their investigations, and these reports are normally published. Under the Local Government Act 1978 local authorities are empowered to compensate a complainant who has suffered injustice in consequence of maladministration.

## SCOTLAND

### LOCAL AUTHORITY STRUCTURE

On the Scottish mainland local government has a two-tier structure with nine regions divided into 53 districts. The authorities exercise a separate range of local government functions in a way broadly similar to the county and district authorities in non-metropolitan areas of England and Wales. Orkney, Shetland and the Western Isles, because of their isolation from the Scottish mainland, have single, virtually all-purpose, authorities.

Throughout Scotland a regional coherence can be traced through the main centres of population, and it is largely by reference to this identifiable community of interest that the nine regions (see map on p 28) were defined. Populations range from 100,000 in the Borders to nearly 2.5 million in the Strathclyde region. The Orkney and Shetland authorities have populations of about 18,000 and 21,000 respectively, while the Western Isles authority provides for a population of some 30,000.

The areas of the district authorities were also worked out to ensure that they corresponded with areas of genuine local community interest, and that they had resources to match the range of functions which they had to discharge. In the more remote parts of the country, a certain flexibility of approach was adopted in defining the districts and in assigning functions. Thus the Highland district of Badenoch and Strathspey has a population of only 9,500; at the other extreme there are 810,000 people in the Glasgow district.

One feature in the structure of local government administration in Scotland which differs from that in England and Wales is the statutory provision for setting up community councils, where there is a demand for them, under schemes prepared by each district and islands authority. These councils, although set up by statute, are not a third tier of local authority, are given no statutory responsibility, and consequently no right to their own source of finance, but they may receive financial assistance from the local authorities and grants related to particular projects. The general purpose of a community council is defined as being to ascertain, co-ordinate and express to the local authorities in its area, and to public authorities, the views of the community which it represents, in relation to matters for which those authorities are responsible, and to take such action in the interest of that community as appears to it to be expedient and practicable.

### THE ELECTORAL SYSTEM

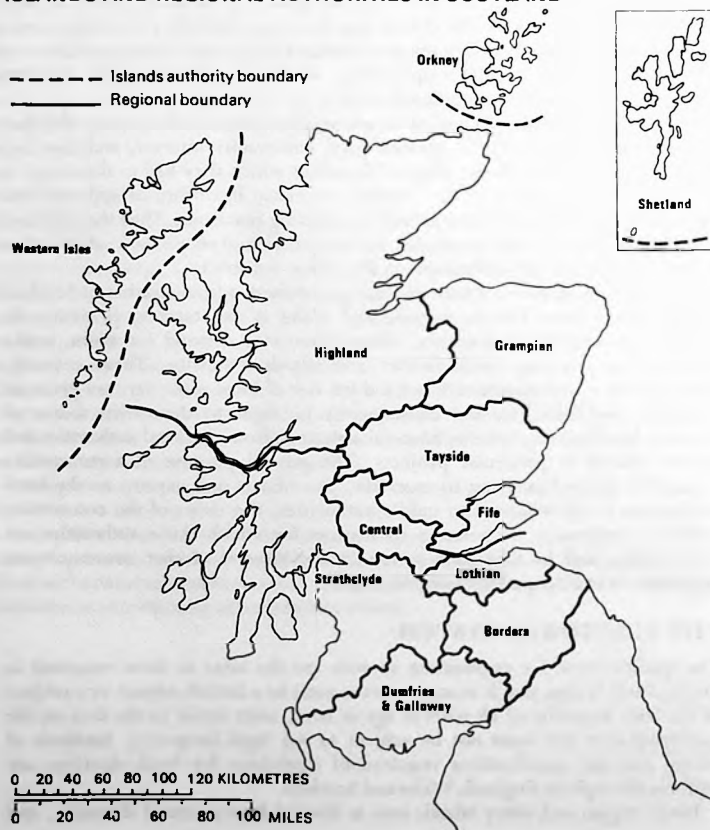
The qualifications for registration to vote are the same as those required in England and Wales, that is to say, a person must be a British subject or a subject of the Irish Republic of 18 years of age or over, must reside in the area on the qualifying date and must not be subject to any legal incapacity. Methods of voting and the qualifications required of candidates for local elections are uniform throughout England, Wales and Scotland.

Every region and every islands area is divided into electoral divisions, and

every district into wards. Each division and ward returns one councillor. Terms of office for councillors are normally of four years, with elections taking place every second year for the regional and district councils alternately. The first elections for all the new authorities took place in May 1974 and the first two terms of office for district councillors are for three years only.

A permanent Local Government Boundary Commission reviews the administrative and electoral boundaries of the authorities.

## ISLANDS AND REGIONAL AUTHORITIES IN SCOTLAND



## LOCAL GOVERNMENT SERVICES

The distribution of functions between regional and district authorities in Scotland is broadly similar to that between the (non-metropolitan) county and district authorities in England and Wales. Regional authorities are responsible for all major planning as well as related services such as industrial development, transportation, and (unlike English counties) water supply and sewerage. They also provide the education, social work, police and fire services, and have responsibility for coast protection, weights and measures, food standards and labelling.

District authorities have the main responsibility for housing, although regional authorities have certain reserve powers to arrange for building by district authorities or other agencies. Districts are also responsible for local planning, building control and libraries, except in the Highland, Borders, and Dumfries and Galloway regions where these functions are exercised by the regional authority. They have sole responsibility for most environmental health functions – including refuse collection and disposal, food hygiene, clean air, and burial grounds and crematoria – and for the regulation and licensing of entertainments and gaming. They exercise concurrent powers with the regional authorities in the provision of museums and art galleries, community centres, parks and recreational facilities of other kinds.

Because of their separate identity and remoteness from the mainland, the Orkney, Shetland and Western Isles authorities have been given statutory responsibility for almost the whole range of local government functions. They participate in wider-scale administration for their police and fire services, however, and rely on the mainland for assistance in the more specialised aspects of education and social work.

## FINANCE

Local authorities, as in England and Wales, rely for their income on rating, government grants and certain miscellaneous receipts. Grants, broadly similar to those paid in England and Wales (see p 17), but administered by the Secretary of State for Scotland, are distributed among the councils, the general principles governing their distribution also being the same. Capital expenditure must be sanctioned by the Secretary of State for Scotland.

Regional, islands and district councils are each responsible for determining the annual rate necessary to pay for the services which they provide. Rates are levied by the regional councils (for both regional and district rates) and by the islands councils.

New valuation rolls came into force in Scotland in 1978. Valuation is carried out by assessors who must have professional qualifications, and who are appointed by the valuation authorities (the regional and islands councils). An appeal against the valuation fixed by the assessor lies to a valuation appeal committee and, thereafter, on a stated case to the Lands Valuation Appeal Court consisting of three judges of the Court of Session. The basis of valuation is broadly the same as that which exists in England and Wales – that is to say, property is



valued at the rent at which it might reasonably be expected to be let in an open market. Industry and freight transport, however, are rated at half their net annual value to ensure broad equivalents of rate burdens for those sectors between Scotland and England and Wales. To advise on valuation matters generally, a Scottish Valuation Advisory Council has been established by the Secretary of State.

## **INTERNAL ORGANISATION OF LOCAL AUTHORITIES**

### **Committees**

Much of the work of local authorities is undertaken (as in England and Wales) by statutory or voluntary committees or sub-committees. Local authority committees have a duty to admit the press and members of the public to their meetings unless for good reason (such as staff business or approval of contracts) they pass a resolution to the contrary.

### **Officers**

There are in all some 250,000 employees in Scottish local government—including manual workers as well as administrative and professional staff. In general, local authorities are free (as in England and Wales) to appoint such officers as they think necessary, but certain appointments – such as director of education and of social services – are compulsory for authorities responsible for those services. Methods of appointment are generally the same as those current in England and Wales. Rates of pay and conditions of service are also negotiated in a similar way.

Most of the management structures of the Scottish local authorities are based on recommendations made in a report, *The New Scottish Local Authorities: Organisation and Management Structures* (see Reading List, p 38), prepared in 1973 by a working party representing local authority associations. The report emphasised the need to adopt a corporate approach to local government management. The main organisational features recommended and adopted in whole or in part by most councils are: a policy and resources committee to provide co-ordinated guidance to the council on policies, priorities, resource allocation and major programmes; the appointment of a chief executive to head the organisation of local officials; the creation of a management team of chief officers, led by the chief executive; and the adoption of a unified system of policy planning.

### **Complaints System**

A Commission for Local Administration was established under provisions in the Local Government (Scotland) Act 1975 to investigate allegations of maladministration. The system is broadly similar to that in England and Wales.

## **RELATIONS WITH CENTRAL GOVERNMENT**

Most of the functions carried out by local authorities which bring them into contact with central government are the responsibility of the Secretary of State

for Scotland. It follows, therefore, that in the discharge of their functions local authorities have a close relationship with the Secretary of State and with his principal departments: the Scottish Education Department, the Scottish Home and Health Department, the Scottish Development Department, the Scottish Economic Planning Department and the Department of Agriculture and Fisheries for Scotland. In addition, the Secretary of State has responsibility for the structure and finance of local authorities. Consultations on legislation and other relevant matters are held with the Convention of Scottish Local Authorities representing regional, islands and district councils.

The Local Government (Scotland) Act 1973 made provision for a relaxation of central government control of a range of local authority activities – for instance, transport, financial borrowing and factory building – and simplified the procedure for future relaxations of this sort.

## NORTHERN IRELAND

THE STRUCTURE of local government in Northern Ireland was reorganised in October 1973 when the existing local authorities were replaced by a single-tier structure of 26 district authorities, and responsibility for administering many of the more important services formerly provided by local government was transferred to central departments—their administration is now carried out either through local offices of the departments concerned or through area boards responsible to them. District councils also have a responsibility to represent local views, and are consulted by the Department of the Environment for Northern Ireland on its regional functions.

The constitution, powers and procedures of the district authorities are governed by the Local Government Act (Northern Ireland) 1972. This covers the qualification of councillors, council meetings, the election of chairmen and vice-chairmen, the establishment of committees, the appointment and transfer of staff, budgetary and financial arrangements, borrowing, audit, by-laws and other legal and administrative matters. As in England and Wales, the reorganisation recognised the traditional ceremonial and representative role of certain authorities—Belfast and Londonderry retained their borough status (with some modifications), and other district councils can petition the Crown for a Royal Charter designating borough status.

Each district is based on a main town or centre, and includes the surrounding urban and rural areas. The boundaries and electoral wards of the districts are set out in the Local Government (Boundaries) Order (Northern Ireland) 1972, and council members are elected for four-year terms of office. The first elections to the councils were held in 1973 and in 1977 on the basis of proportional representation by means of a single transferable vote.

A Commissioner for Complaints, wholly independent of the Government, has statutory powers to deal with complaints of injustices suffered as a result of maladministration by certain public bodies, including all local authorities.

### Services

District councils are directly responsible for local public health functions, including smoke controls and clean air policies, noise abatement, food hygiene, pest control and safety and health in shops and offices; entertainment and recreation—for example, the provision of swimming baths, sports grounds, parks, museums and art galleries; cleansing and sanitation, including refuse collection and disposal and street cleaning; safety on waterways; regulatory services such as consumer protection, the licensing of dance halls and public entertainments, building regulations and by-laws for good order and government; cemeteries and crematoria; gas undertakings; and markets and abattoirs.

Functions relating to education and libraries, health and personal social services, housing, fire services, electricity, drainage and sport are exercised by local area boards and other bodies, most of the membership of which is appointed by heads of central departments but also includes councillors elected

# DISTRICT AUTHORITIES IN NORTHERN IRELAND



to the district authorities. Five area boards covering Northern Ireland are responsible for the local administration of the education and library services, and administer the youth service at a local level. With district councils, they also provide facilities for recreation, social, physical and cultural activities. Health and social services—including hospitals, general health services, and the personal social services—are managed by four local boards on behalf of the Department of Health and Social Services. The Northern Ireland Housing Executive is responsible for the building, maintenance, allocation and management of all publicly owned housing, and deals with the provision of home improvement grants and loans to help people to buy their own homes. The Executive has a local office in the area of every district authority. Fire services come under the Fire Authority for Northern Ireland; electricity supply is the responsibility of the Northern Ireland Electricity Service; arterial and urban drainage are functions of the Department of Agriculture, advised by the Drainage Council; and sport and physical recreation are promoted by the Northern Ireland Sports Council.

Planning, the construction and maintenance of roads and water supply and sewerage services is exercised in each district by a local office of the Department of the Environment for Northern Ireland working in close association with the district council and its staff. Under the rating system the rate is fixed in two parts—a regional rate determined at a uniform level throughout Northern Ireland by the Department of Finance, and a district rate fixed by each district council in relation to its own needs.

# APPENDIX I

## BROAD ALLOCATION OF THE MAIN LOCAL GOVERNMENT FUNCTIONS IN ENGLAND (see also pp 12-13)

FUNCTION	METROPOLITAN AREAS		NON-METROPOLITAN AREAS		GREATER LONDON	
	County Council	District Council	County Council	District Council	Greater London Council	London Borough Council
<b>Planning</b>						
structure plans	•		•		•	
local plans		•		•		•
development control		•		•		•
country parks	•	•	•	•		
national parks	•		•			
derelict land	•	•	•	•	•	•
<b>Transport</b>						
transport planning	•		•		•	
highways	•		•		•	•
traffic regulation	•		•		•	
road safety	•		•		•	
parking	•		•		•	•
public transport	•		•		•	
<b>Education</b>		•	•		inner London	outer London
<b>Social Services</b>		•	•			•
<b>Housing</b>		•		•	•	•
<b>Fire Service</b>	•		•		•	
<b>Police Service</b>	•		•			
<b>Consumer Protection</b>	•		•			•
<b>Environmental Health</b>						
building regulations		•		•	inner London	outer London
clean air		•		•		•
control of disease		•		•		•
food hygiene		•		•		•
refuse collection		•		•		•
refuse disposal	•		•		•	
street cleansing		•		•		•
<b>Libraries</b>		•	•			•
<b>Museums and the Arts</b>	•	•	•	•	•	•
<b>Recreational Facilities</b>	•	•	•	•	•	•
<b>Encouragement of Tourism</b>	•	•	•	•	•	•
<b>Cemeteries and Crematoria</b>		•		•		•
<b>Footpaths</b>	•	•	•	•		•
<b>Smallholdings</b>	•		•		•	
<b>Allotments</b>		•		•		•

## **APPENDIX 2**

### **LIST OF ORGANISATIONS**

#### **Government Departments**

Department of the Environment, 2 Marsham Street, London SW1P 3EB.

Home Office, Whitehall, London SW1A 2AP.

Welsh Office, Cathays Park, Cardiff CF1 3NQ.

Scottish Development Department, New St. Andrew's House, Edinburgh EH1 3TB.

Northern Ireland Department of the Environment, Parliament Buildings, Stormont, Belfast BT4 3SS.

#### **Boundary Commissions**

Local Government Boundary Commission for England, 20 Albert Embankment, London SE1 7TJ.

Local Government Boundary Commission for Wales, Queen's Court, Plymouth Street, Cardiff CF1 4DA.

Local Government Boundary Commission for Scotland, 26-27 Royal Terrace, Edinburgh EH7 5AH.

#### **Commissions for Local Administration**

Commission for Local Administration in England, 21 Queen Anne's Gate, London SW1H 9BU.

Commission for Local Administration in Wales, Derwen House, Court Road, Bridgend, Mid Glamorgan CF31 1BN.

Commission for Local Administration in Scotland, 125 Princes Street, Edinburgh EH2 4AD.

The Commissioner for Complaints, River House, 48 High Street, Belfast BT1 2JT.

#### **Local Authority Associations**

##### *England and Wales*

Association of County Councils, 66A Eaton Square, London SW1W 9BH.

Association of District Councils, 25 Buckingham Gate, London SW1E 6LE.

Association of Metropolitan Authorities, 36 Old Queen Street, London SW1H 9JE.

Council for the Principality, Town Hall, Merthyr Tydfil, Mid Glamorgan CF47 8AN.

London Boroughs Association, Westminster City Hall, Victoria Street, London SW1E 6QW.

National Association of Local Councils, 100 Great Russell Street, London WC1B 3LD.

Welsh Counties Committee, Mid Glamorgan County Hall, Cardiff CF1 3NE.

##### *Scotland*

Convention of Scottish Local Authorities, 3 Forbes Street, Edinburgh EH3 6BL.

##### *Northern Ireland*

Association of Local Authorities of Northern Ireland, 6 Donegall Square South, Belfast BT1 5JS.

*International*

Council of European Municipalities (British Section), 3-5 Norwich Street, Fetter Lane,  
London EC4P 4DA.

International Union of Local Authorities (British Section), 36 Old Queen Street,  
London SW1H 9JE.



## READING LIST

### Official Publications

		L	
Local Government Act 1972, c. 70. ISBN 0 10 547072 4.	HMSO	2-55	
Local Government Act 1974, c. 7. ISBN 0 10 540774 7.	HMSO	0-57	
Local Government (Scotland) Act 1973, c. 65. ISBN 0 10 546573 9.	HMSO	1-80	
Local Government Act (Northern Ireland) 1972, c. 9.			
ISBN 0 337 47209 2.	Belfast HMSO	0-73	
Local Government in England and Wales: A Guide To The New System. ISBN 0 11 750847 0.	HMSO	1974	4-00
The New Local Authorities: Management and Structure. (The Bains report.) ISBN 0 11 750530 7.	HMSO	1972	1-00
The New Scottish Local Authorities: Organisation and Management Structures. ISBN 0 11 491043 X.	HMSO	1973	0-85
Central Government Controls over Local Authorities. Cmnd 7634. ISBN 0 10 176340 9.	HMSO	1979	0-80
Organic Change in Local Government. Cmnd 7457. ISBN 0 10 174570 2.	HMSO	1979	0-70
Relations between Central Government and Local Authorities: Report by the Central Policy Review Staff.			
ISBN 0 11 700574 6.	HMSO	1977	1-75
Local Government Finance. (The Layfield report.) Cmnd 6453. ISBN 0 10 164530 9.	HMSO	1976	5-75
Local Government Finance. Cmnd 6813. ISBN 0 10 168130 5.	HMSO	1977	0-70
Local Government Finance in Scotland. Cmnd 6811. ISBN 0 10 168110 0.	HMSO	1977	0-55
Committee of Inquiry into the System of Remuneration of Members of Local Authorities. (The Robinson report.)			
Vol I: Report. Cmnd 7010. ISBN 0 10 170100 4.	HMSO	1977	1-40
Vol II: Surveys of Councillors and Local Authorities. ISBN 0 11 751241 9.	HMSO	1977	2-00

### Other Publications

CROSS, C. A. Principles of Local Government Law. ISBN 0 421 19240 2.	Sweet & Maxwell	1974	5-45
CROSS, MARTIN and MALLIN, DAVID. Local Government and Politics. ISBN 0 582 36611 9 (hardback).	Longman	1978	3-75
ISBN 0 582 36622 1 (paperback).			1-85
DARKE, ROY and WALKER, RAY (Editors). Local Government and the Public. ISBN 0 249 44154 3.	Leonard Hill	1977	6-60
HAMBLETON, ROBIN. Policy Planning and Local Government. ISBN 0 09 132350 9 (hardback).	Hutchinson	1978	7-95
ISBN 0 09 132351 7 (paperback).			4-50

			£
HART, Sir WILLIAM and GARNER, J. F. Introduction to the Law of Local Government and Administration. ISBN 0 406 59403 1.	Butterworth	1973	6.80
KEITH-LUCAS, BRYAN and RICHARDS, PETER G. A History of Local Government in the Twentieth Century.			
ISBN 0 04 352070 7 (hardback)	Allen & Unwin	1978	7.50
ISBN 0 04 352071 5 (paperback).			3.50
MINOGUI, MARTIN (Editor). A Consumer's Guide to Local Government. (Produced for National Consumer Council.)			
ISBN 0 333 23762 5 (hardback).	Macmillan	1977	4.95
ISBN 0 333 23763 3 (paperback).			1.95
POOLE, K. P. The Local Government Service.			
ISBN 0 04 352073 1 (hardback).	Allen & Unwin	1978	7.50
ISBN 0 04 352074 X (paperback).			3.50
REDCLIFFE-MAUD, Lord, and WOOD, BRUCE. English Local Government Reformed.			
ISBN 0 19 885091 3 (hardback).	Oxford University Press	1974	3.00
ISBN 0 19 888091 X (paperback).			1.50
RICHARDS, PETER G. The Reformed Local Government System. Third edition. ISBN 0 04 352068 5.	Allen & Unwin	1978	3.50

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